



THE CITY OF NEW YORK
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MEMO ENDORSED

January 24, 2008

Via Facsimile

Honorable Judge Kevin P. Castel
United States District Judge
United States District Court
500 Pearl Street
New York, New York 10007

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/6/08

Re: Christine Disla a/k/a Joey Smith v. City et al.
07 CV 4827 (KPC)

Your Honor:

I write in response to Mr. Glickman's correspondence of today's date, regarding the investigative file of the subject incident.

As a threshold matter, I have endeavored to update counsel of my continuing efforts to obtain these records, which the Department of Correction will not release until the matter has been administratively closed.

Accordingly, on October 15, 2007, I notified counsel that the Department of Correction's First Deputy General Counsel had informed me that the investigation was still pending.

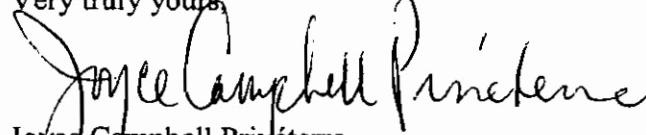
On November 8, 2007, I again notified counsel that I had been advised by the Department of Correction that the investigation had not concluded.

On January 9, 2008, I did apprise counsel that I had been on sick leave, and as such, I had not followed up with my Department of Correction liaison in December.

However, on January 18, 2008, I informed counsel that I had spoken with the Inspector General's office to expedite the production of the investigative file, and that I had been advised the matter would be administratively closed by January 22, 2008. I further informed counsel that I was informed I would receive the subject report by February 8, 2008.

Fully cognizant that Your Honor had ordered plaintiff to move for production of the file if it were not produced by January 8, 2008, I have communicated to counsel my anticipated date of receipt solely based upon representations made by my liaison. At all times, I have endeavored in good faith to obtain these records-- which are not within Corporation Counsel's custody or control.

Very truly yours,

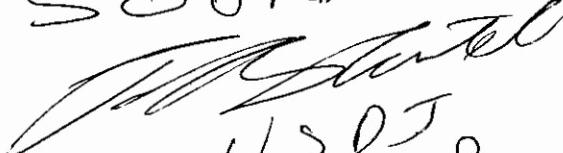

Joyce Campbell Privéterre
Assistant Corporation Counsel

Via Facsimile

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Stoll, Glickman & Bellina, LLP
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Time for production
of I & related
materials extended
to February 14, 2008.
If not produced by
then, plaintiff
may file a motion.

SO ORDERED



J. M. Stoll
USDS
2-5-08